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S E C R E T SECTION 01 OF 02 KUWAIT 000730

SIPDIS

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DEPT FOR NEA/ARPI AND S/CT; NSC FOR TOWNSEND

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SUBJECT: KUWAIT COUNTERTERRORISM WORKING GROUP MEETING

REF: 04 KUWAIT 4559 (NOTAL)

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d)

1. (S/NF) Ambassador chaired February 14 a meeting of post's Counterterrorism Working Group (CWG) to review developments in Kuwait's counterterrorism activities following the January discovery of a terrorist cell, and to identify areas where post can enhance its CT activities as well as strengthen the GOK's CT capabilities. The group addressed GOK legislation to combat terror, loopholes or missing laws, and training. In addition to the Ambassador and DCM, participants included section heads from RSO, POL, ECON, CONS, RMAS, and the Office of Military Cooperation - Kuwait (OMC-K).

Slowly Building a Solid Legal Basis to Combat Terror

2. (U) The CWG opened with a review of the GOK's CT legislation. Kuwait is party to ten of the 12 international counterterrorism conventions and protocols and the Council of Ministers (COM) recently submitted for Parliamentary approval the 1999 Convention for the Suppression of the Financing of Terrorism. The GOK has not yet taken any action regarding the 1990 Convention for the Suppression of Terrorist Bombings. Post will continue to engage the GOK on the need to sign and ratify this convention. Kuwait is also a party to the Arab League Convention for the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. In addition, Kuwait and its GCC partners signed in May 2004 a counterterrorism pact designed to boost coordination and the exchange of information among member states. In response to recent terror activities, the GOK has proposed a law on the seizure of arms, ammunition, and explosives, and a group of five MPs suggested amendments to the penal code to increase jail time and fines for surveillance type activities and inciting violence. Post will track proposed legislation as it moves through Parliament.

3. (C) On the financial side, the GOK established a Financial Intelligence Unit (FIU) to monitor suspected money laundering operations. Unfortunately the FIU is limited in its ability to share information with other FIUs due to the need for specific case-by-case authorization from the Public Prosecutor's Office. As a result, Kuwait's FIU is currently ineligible to join the Egmont group, an international forum for 94 nations' FIUs to share financial data regarding money laundering and suspected terrorist financing operations. New legislation is required and post will press the GOK to take action with a view toward Kuwait becoming eligible for membership in 2006. Post will also encourage the GOK to adopt legislation criminalizing terrorist financing, particularly now that the GOK has approved the Terror Financing Convention. A specific need is strengthened legislation requiring customs declaration of cash exports. Post continues to seek examples of effective terror finance legislation from the Arab world which Kuwait could use as a model (reftel). Post also seeks a response to its request to the Office of Overseas Prosecutorial Development for a needs-assessment team and specialized program.

Visa Processing

4. (U) CONS briefed the CWG on current nonimmigrant visa processing procedures, including personal appearance waiver criteria, biovisa (index fingerprint scanning) criteria, Visas Condor SAO criteria, procedures to resolve CLASS hits, Visas Mantis SAOs, IDENT, and facial biometric scanning. Consular Chief noted that post scrupulously follows all Department regulations, CA SOPs and CA/VO guidance for visa processing. Finally, he reviewed Visas Viper Committee functions.

Lack of Inter-Ministry Cooperation Impedes CT Action

5. (S/NF) RMAS and OMC-K gave the GOK a positive assessment of its recent action against terror cells. Over a three-week period, the GOK aggressively responded to the presence of a

25-member cell and continues to track several targets. Throughout, Kuwait State Security (KSS) kept post well informed and continues to share information. Despite the overall successful outcome, the death rate for security forces involved in the raids appeared high and suggests that tactical training might be useful. There is also a need for better coordination among Kuwait's security elements; the Ministry of Interior (MOI) has the lead for CT activities and organizations such as the Amiri Guard and the National Guard, a competent and able force trained by American contractor MPRI, have specific duties, but there is very limited interaction among the two bodies.

Continued Need for Training -----

16. (S/NF) The CWG also addressed training for Kuwaiti officials. Since 1996, Post has sponsored 485 Kuwaiti students in 23 Anti-Terrorism Assistance (ATA) courses. The GOK has requested, at GOK expense, security operations center training for a group of mid-level managers associated with the Security Decision Follow-up Committee (SDFC) who will be responsible for Shuaiba Port and surrounding areas. OMC-K already includes this group in CENTCOM consequence management training and intends to invite representatives from the MOI. The GOK has not yet accepted training offered by RMAS.
LEBARON